

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PAM KILTY, Individually and
as Special Administrator, *et al.*,

Plaintiffs

v.

WEYERHAEUSER COMPANY and
3M COMPANY,
Defendants.

ORDER

16-cv-515-wmc

SCOTT SPATZ, as Special Administrator,

Plaintiff

v.

WEYERHAEUSER COMPANY and
3M COMPANY,
Defendants.

ORDER

16-cv-726-wmc

On March 7, 2018, this court denied plaintiffs' twin motions to allow specified depositions after the close of discovery and ordered cost-shifting in favor of the defendants in both cases pursuant to F.R. Civ. Pro. 37(a)(5)(B). *See* dkt. 199 in *Kilty*, dkt.151 in *Spatz*. Defendant Weyerhaeuser submitted an itemized request for \$2,784 in costs to cover both motions in both cases. *See* dkt. 224 (*Kilty*) and dkt. 178 (*Spatz*). Defendant 3M split its costs in half and asked for \$1,037.50 in each case (dkt. 225 in *Kilty*, dkt. 177 in *Spatz*), for a total of \$2,075.

Plaintiffs have filed Rule 72 appeals objecting to the court's substantive ruling, dkt. 242 (*Kilty*) and dkt. 200 (*Spatz*); these appeals are being briefed and which will be decided by Judge Conley. Plaintiffs also filed separate objections to the cost-shifting aspect of the March 7 orders (dkt. 243 in *Kilty*, dkt. 201 in *Spatz*), but they simply incorporate their arguments from their appeals.

I already have found that cost-shifting is appropriate and I am not persuaded that plaintiffs' motions were substantially justified or that there are other circumstances that would make an award of expenses unjust. I also find that the amounts claimed are reasonable. Accordingly, I am ordering plaintiffs and their attorneys to pay the amounts requested, but their deadline to pay will be 14 days after Judge Conley rules on their appeals.

ORDER

IT IS ORDERED that:

(1) All plaintiffs in the *Kilty* lawsuit and their attorneys are jointly and severally responsible to pay \$1392 in expenses to counsel for defendant Weyerhaeuser and \$1037.50 to counsel for defendant 3M not later than 14 days after the court rules on plaintiffs' Rule 72 appeal.

(1) The plaintiff in the *Spatz* lawsuit and their attorneys are jointly and severally responsible to pay \$1392 in expenses to counsel for defendant Weyerhaeuser and \$1037.50 to counsel for defendant 3M not later than 14 days after the court rules on plaintiffs' Rule 72 appeal.

Entered this 22nd day of March, 2018.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge